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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,732	03/29/2004	Kevin Girard Conwell	13814	1432
7590 03/21/2005			EXAMINER	
ORUM & ROTH 53 W. JACKSON BLVD CHICAGO, IL 60604			NGUYEN, CAMTU TRAN	
			ART UNIT	PAPER NUMBER
			3743	
DATE MAILED: 03/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

<b>Office Action Summary</b>	Application No. 10/811,732	Applicant(s) CONWELL ET AL.	
	Examiner Camtu T. Nguyen	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to applicant's amendment filed on November 26, 2004 and December 16, 2004. Claim 1 has been amended. Claims 2 and 3 have been cancelled. Claims 4-21 are newly added claim, rendering claims 1 and 4-21 pending.

Applicant's comments pertaining to the Conwell et al reference applied in the previous Office Action are acknowledged however deemed not persuasive. Applicant is directed to MPEP § 2136.04 (Different Inventive Entity; Meaning of "By Another"). In current situation, reference Conwell et al is prior art because the inventive entity is by "another" in view of CFR 1.48(a), as presented below. The claims are rejected for the reasons as follow.

### ***Inventorship***

In view of the papers filed November 26, 2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by addition of Pixie A. Austin.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Conwell et al (U.S. Patent No. 6,350,071). Conwell et al discloses in Figures 1 and 2 a UV curing station comprising UV lamp (5) as means for curing UV curable ink on labels (4). Figure 1 illustrates the UV curing station is inside a printer housing (6). Figure 2 illustrates the UV curing station is attached to the printer housing (6) and is outside the printer housing (6). With regards to the UV curing station attaching to the label rewinder or to other structures as recited in claims 4 and 5, it is a mere functional recitation and a mere statement of intended use. As shown in Figures 1 and 2, the UV curing station is capable of being attached to structures as recited in claims 4 and 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conwell et al (U.S. Patent No. 5,935,525) in view of Lincoln et al (U.S. Patent No. 5,935,525). Conwell et al discloses in Figures 1 and 2 a UV curing station comprising elements as recited in these claims but does not teach a reflector. Lincoln et al discloses in Figure 3a ultraviolet lamp (80) having a reflector (82). Therefore it would have been obvious to one skilled in the art to install reflector as taught by Lincoln et al in Conwell et al's UV lamps as such would direct UV radiation onto labels (4).

Claims 8-11 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conwell et al (U.S. Patent No. 5,935,525) in view of Ylitalo et al (U.S. Patent No. 6,543,890). Conwell et al discloses in Figures 1 and 2 a UV curing station comprising elements as recited in these claims but does not teach at least one filter. Ylitalo et al discloses in Figures 1-8 an apparatus for radiation curing of ink used in inkjet printing. Figures 1 and 2 illustrates a curing device (16) having at least one or more of source UV radiation including UV lamps (17). Figure 2 further illustrates the UV lamp (17) having a shield (20). Ylitalo et al discloses the possibility to modify the UV lamp by adding an infrared filter (column 2 lines 45-51). Therefore it would have been obvious to one ordinary skill in the art to modify the Conwell et al's UV lamp (5) to include a filter as such would reduce the amount of heat reaching the labels.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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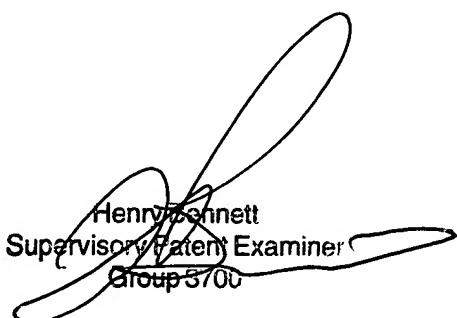
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 703-305-0537.

The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Camtu Nguyen  
March 10, 2005



Henry A. Bennett  
Supervisory Patent Examiner  
Group 3700